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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,675	09/17/2004	Jeannot Hironimus	258372US6PCT	7095
22850	7590	01/10/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	
			NOTIFICATION DATE	DELIVERY MODE
			01/10/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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**Office Action Summary**

Application No.

10/506,675

Applicant(s)

HIRONIMUS ET AL.

Examiner

Árpád Fábián Kovács

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 29-60 and 62-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-60, 62-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 29-48, 58-60, 62-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Krone et al (US20020170723A1).

cl. 29, 31, 32: agricultural vehicle including a carrying vehicle (2), plural working units (fig 1), the machine comprising:

at least two front work units (see drawing below),

at least two lateral work units & outside a work area of the front units (see drawing below);

the front & lateral work units can be moved into transport (raised) and work position (operating) (see ¶13);

in addition the newly amended recitation: “the two front work units are located in front of an axis of rotation of a front wheel of the carrying vehicle” (see fig 1);

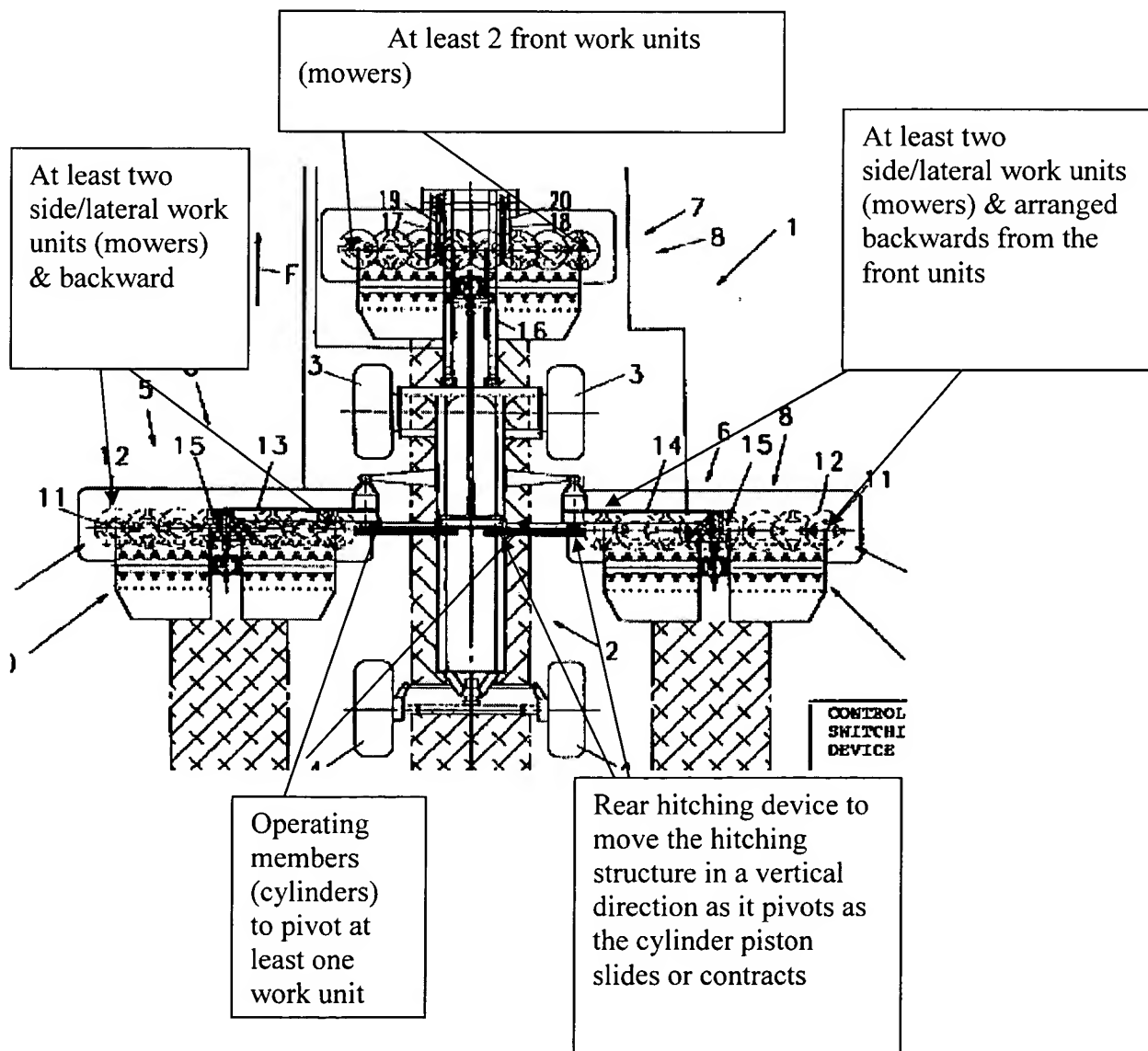
cl. 30-32, 59-60, 62-64: the lateral/side units arranged backwards from the front units & offset & outside (see drawing below);

cl. 33-34, 38-41: pivoting at least one work unit by an axis in the direction of the forward travel (see drawing below) into horizontal & vertical positions, an operating member or

hydraulic cylinders that connects a carrying arm to a hitching structure in the inherent sliding manner (§13 & 14):

"The mowing and processing units 8 on either side of the support vehicle 2 are connected to the support vehicle 2 by means of boom and support arms 13, 14, connected in a pivotable and lockable way to the support vehicle 2, and an adjoining articulation 15, and, in this way, they can be moved back and forth between a horizontal working and operating position near the ground surface and a substantially vertical transport position as is generally known in the art."

"support arms 13, 14 with hydraulic piston/cylinder arrangements (not illustrated)"



cl. 35-37: for the at least one front work unit: front hitching device / hitching structure to move the hitching structure in a substantially vertical direction in a sliding manner (support frame 16, rods 17, 18, cylinders 19, 20):

“a support frame 16, vertically adjustably connected with the support vehicle 2, as well as additional pivotable connecting rods 17, 18 and hydraulic piston-cylinder arrangements 19, 20 from a working and operating position near the ground into a raised transport position parallel to the ground and back into the working and operating position”

cl. 42-43: rear hitching device to move the hitching structure in a substantially vertical direction (see fig. above);

cl. 44: the two front work units comprise two front work units (see fig above);

cl. 45: two lateral work units (see fig above);

cl. 46: control unit described in ¶14, 15 capable of autonomously managing the movement (via the individual hydraulic cylinders) of the work units;

cl. 47-48: cutting / mowing & conveying / processing device (¶13).

3. Claims 29-60, 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by van der Lely (3717981).

For brevity the above recitations will be not repeated & in view of the amendment made to claim 29, it had necessitated further search and examination, van der Lely discloses a carrying vehicle & plural work units (fig 1, 6) comprising:

at least two work units located in front of an axis of rotation of a front wheel of the carrying vehicle (see fig 1), the **front** work units contemplated is as shown in the embodiment shown in fig 6, two mowing elements ref 69;

at least two **lateral** works units on either side of the vehicle & outside of the work area of the front units (fig 1, 6);

configured to be moved (for example using hydraulic piston & cylinder assembly):

(17) The lateral mowing mechanism 65 can be brought to a substantially vertical inoperative position with the aid of a hydraulic piston and cylinder assembly 106 which interconnects the arm 90 and a beam rigid with the tractor 64. A lock or stop (not shown) is engaged to prevent the shaft 96 from turning in the sleeve bearing 89 and the assembly 106 is retracted to turn the mechanism 65 upwardly about the pin 91. A hydraulic piston and cylinder assembly (not shown) that is similar to the assembly 106 is provided at the front of the tractor 64 to tilt the leading mechanism 66 upwardly about the aligned pivot pins 81, a lock or stop (not shown) also being engaged to prevent the shaft 78 from turning in the sleeve bearing 79. Hooks or other positive retaining means (not shown) may, if desired, be provided to guard against the mechanisms 65 and 66 returning accidentally from their inoperative to their operative positions.

4. Claims 29-60, 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Geng (EP1405556A2).

For brevity the above recitations will be not repeated & in view of the amendment made to the independent claim, it had necessitated further search and examination, Geng discloses a carrying vehicle & plural work units (fig 1 and/or embodiment 3 and/or 3a) comprising:

at least two work units located in front of an axis of rotation of a front wheel of the carrying vehicle (see fig 1, 3, 3a, ref 2, 2');;

at least two **lateral** works units on either side of the vehicle & outside of the work area of the front units (see fig 1, 3, 3a, ref 20, 20');

configured to be moved (for example using hydraulic piston & cylinder assembly).

5. Claims 29-60, 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Radke (DE4405858, cited by applicant).

With regards to Radke, applicant's attention is directed to fig 2, where the two front work units are shown (ref 2, having at least two disk cutters), and two lateral work units as claimed (fig 3, 4), the front axle is at the wheel 6.

6. Claims 29-60, 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Altepost et al (EP1040751A2, cited by applicant).

With regards to Altepost, applicant's attention is directed to fig 2, where the two front work units are shown (ref 3, having at least two drum cutters), and two lateral work units as claimed (fig 3, drum cutters at the lateral sides), the front axle is at the wheel 7.

7. Claims 29-60, 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Krone (EP0808556A1, cited by applicant).

With regards to Krone, applicant's attention is directed to fig 1, where the two front work units are shown (ref 2, having at least two drum cutters), and two lateral work units as claimed (fig 1), the front axle is at the wheel 3.

***Claim Rejections - 35 USC § 103***

8. Claims 49-57, 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krone et al (US20020170723A1), in view of Franet et al (US20030024228A1).

Krone discloses the claimed device (see above) except for using belts to convey the agricultural product.

Franet teaches that the crop can be processed or transported by any number of conveying means: conveyor belt, screw conveyor, bar chain conveyor or rolls; in order to, optimize windrow merging, i.e. fewer trips for a chopper vehicle and/or baler (§13-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide just at the discharge end of the rollers or can be instead of the pressing rollers of Krone, with the teachings of using conveyor belt(s), in order to save time and energy for a subsequent chopping or baling vehicle by placing the windrows close together. The rational being that, Franet teaches that conveyors are interchangeable, even rolls can be interchanged with belt conveyors; therefore, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. (KSR v Teleflex)



***Response to Arguments***

9. Applicant's arguments with respect to claims 29-66 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument in re removing the prior art as a reference, it is noted that in 102(b) it is stated:

(b) the invention was patented or described in a **printed publication** in this or a foreign country or in public use or on sale in this country, **more than one year prior to the date of application for patent in the United States**.

Applicant's application was filed in the **United States** on 9/17/2004. Krone was published on 11/20/2002. It is further noted that Krone has a foreign filing date of 5/17/2001. Franet was published on 2/6/2003. It is further noted that Franet has a foreign filing date of 8/4/2001.

NOTED: the amendment "the two work units located in front of an axis of rotation of a front wheel of the carrying vehicle" made to the claim(s) necessitated the new rejections over the newly cited prior art.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arpad F Kovacs/  
Árpád Fábián Kovács  
Primary Examiner  
Art Unit 3671

AFK